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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,978	08/26/2003	Jason B. Chesser	42.PI1893D2	2830
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INTEL/BSTZ				
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EXAMINER				
PATEL, NIHIR B				
ART UNIT		PAPER NUMBER		
3772				
MAIL DATE		DELIVERY MODE		
10/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,978

Applicant(s)

CHESSER ET AL.

Examiner

NIHIR PATEL

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09.08.2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31 and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 8th, 2008 has been entered.

Response to Amendment

2. The examiner acknowledges the amendment filed on September 8th, 2008. The amendment comprises cancellation of claims 1-30 and 32; amending claims 31 and 34; and adding claims 36-38.

Response to Arguments

3. Applicant's arguments filed on September 8th, 2008 have been fully considered but they are not persuasive. The applicant argues that Anderson does not disclose, teach or suggest an evaporator combination including "a plurality of structural elements formed in the bottom or the top cover" as the amended claim 31 suggest. The examiner disagrees with the applicant's argument. The examiner defines the plurality of structural elements as 102 and 103 wicking members of the Anderson reference as the plurality of structural elements formed in the bottom or the top cover (see figures 1 and 2; col. 3 lines 55-67 and col. 4 lines 10-30).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims **31 and 33-38** are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (US 5,761,037).

6. **As to claim 31**, Anderson teaches an apparatus that comprises a base configured to be thermally coupled to a semiconductor heat source, the base **105 (see figures 1 and 2; col. 3 lines 45-60)** including a cavity **106** defined by a bottom and a peripheral portion around the perimeter of the bottom (**see figures 1 and 2**); a top cover **104 (see figures 1 and 2; col. 3 lines 45-55)** secured to the peripheral portion of the base so as to define a sealed volume in which a working fluid is vaporized; a liquid inlet port **106** receive the working fluid in a liquid state, operatively coupled to the sealed volume (**see figure 2**); a vapor outlet **107 (see figure 2; col. 4 lines 25-35)** port from which the working fluid exits the evaporator in a vapor state, operatively coupled to the sealed volume; a plurality of structural elements **102 and 103 (see figures 1 and 2; col. 3 lines 55-67 and col. 4 lines 10-30)** formed in the bottom or the top cover, wherein the plurality of structural elements prevent the sealed volume from collapsing when the evaporator is operated such that evaporation of the working fluid occurs under sub-atmospheric conditions; and a wicking structure **101 (see figures 1 and 2 col. 4 lines 1-10)**, disposed within a portion of the cavity, having a top surface on which the working fluid is drawn through a capillary mechanism

and a pressure differential between a pressure of the working fluid in the meniscus and a pressure of vaporized working fluid in the sealed volume (see col. 4 lines 20-45).

7. **As to claim 33**, Anderson teaches an apparatus wherein the wicking structure comprises a volume of sintered material (see col. 4 lines 1-10).

8. **As to claim 34**, Anderson teaches an apparatus wherein the sintered material comprises copper (see col. 4 lines 1-10)

9. **As to claim 35**, Anderson teaches an apparatus wherein each of the base and the top cover comprises stamped metal components (see col. 3 and 4).

10. **As to claim 36**, Anderson teaches an apparatus wherein the plurality of structural elements 102 and 103 are formed in the bottom they extend between the bottom and the top cover (see figures 1 and 2; col. 3 lines 55-67 and col. 4 lines 10-30).

11. **As to claim 37**, Anderson teaches an apparatus wherein the wicking structure includes holes therein to accommodate the plurality of structural elements extending between the bottom and the top cover (see col. 4 lines 1-20).

12. **As to claim 38**, Anderson teaches an apparatus wherein when the plurality of structural elements are formed in the top cover they extend between the top cover and the wicking structure (see figure 2; col. 4 lines 1-20).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIHIR PATEL whose telephone number is (571)272-4803. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nihir Patel/
Examiner, Art Unit 3772

/Patricia Bianco/
Supervisory Patent Examiner, Art Unit 3772